

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

UNITED STATES OF AMERICA §
§
v. § No. 6:18-CR-16
§ (Judge RWS/KNM)
HEON JONG YOO §
a/k/a "HANK YOO" §

**GOVERNMENT'S RESPONSE TO
DEFENDANT'S UPDATE TO MOTION
TO STRIKE SEARCH WARRANT**

The United States of America submits this response to defendant Heon Jong Yoo's Update to his Motion to Strike the Search Warrant, respectfully showing as follows:

In his "update," Yoo alleges that supplemental discovery disclosed by the government somehow renders the search warrant issued on April 6, 2018, invalid. He identifies six items:

- Reports from the Bureau of Alcohol, Tobacco, Firearms, and Explosives regarding early stages of the investigation – The substance of these reports was contained in the affidavit supporting the criminal complaint as well as the affidavit supporting the application for the search warrant. The government previously disclosed copies of these affidavits to the defendant.
- Evidence Control Log identifying items seized during execution of the search warrant – A list of these same items as well as photographs depicting the items were previously disclosed to the defendant.

- Reports from the interview of a third-party who is not a witness in this case.

Such documents do nothing to undermine the validity of the affidavit offered in support of the search warrant for Yoo's apartment and vehicle. The affidavit is presumed valid. *Franks v. Delaware*, 438 U.S. 154, 171 (1978). It was sufficiently particular. *See United States v. Beaumont*, 972 F.2d 553, 560 (5th Cir. 1992). The defendant's motion should be denied.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this pleading was served on the defendant via U.S. mail on this the 2nd day of November, 2018.

/s/ L. Frank Coan, Jr.
L. Frank Coan, Jr.